

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

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IN RE: BLUE CROSS BLUE SHIELD  
ANTITRUST LITIGATION  
(MDL No. 2406)

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**Master File No. 2:13-CV-20000-RDP**

This document relates to the Subscriber  
Track cases.

**EXHIBIT 1: AFFIDAVIT OF DANIEL E. LAYTIN REGARDING CAFA NOTICE**

I, Daniel E. Laytin, hereby swear as follows:

1. My name is Daniel E. Laytin. I am a partner at Kirkland & Ellis, LLP, 300 North LaSalle, Chicago, Illinois, 60654, and have appeared as counsel in the above-captioned matter for Blue Cross Blue Shield Association, Wellmark of South Dakota, Inc. (Wellmark Blue Cross and Blue Shield of South Dakota), Wellmark, Inc. (Wellmark Blue Cross and Blue Shield of Iowa), Hawaii Medical Service Association (Blue Cross and Blue Shield of Hawaii), and Triple-S Salud, Inc. I am also Co-Lead Counsel for all Defendants. (Dkt. 61)

2. The Defendants—the 36 Blue Cross Blue Shield Plans and the Blue Cross Blue Shield Association—agreed to settle the above-captioned lawsuit with the Subscriber Plaintiffs pursuant to a written Settlement Agreement. (Dkt. 2610-2, Ex. A)

3. On October 30, 2020, the Subscriber Plaintiffs filed a Motion for Preliminary Approval of Proposed Class Settlement. (Dkt. 2610)

4. The Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1715, requires the service of a notice of a proposed settlement of any covered class action upon the appropriate federal and state officials prior to final approval of the settlement.

5. I caused the required CAFA notices in this case to be served on the appropriate government officials in the form of a package with a letter, as attached as Exhibit 2, on

November 6, 2020. Additionally, the CAFA notice letters were accompanied by a USB drive that contained documents related to the settlement as further described in Exhibit 2. The CAFA notice packages were sent by Federal Express (Overnight) or U.S. Priority Express Mail to 60 officials, including but not limited to the Attorney General of the United States, the Attorneys General of each of the 50 states, the Attorney General for the District of Columbia, and the Attorneys General for Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands. The complete CAFA notice service list is included in Exhibit 2.

6. As of the date of this affidavit, none of the CAFA notice packages has been returned as undeliverable.

7. Pursuant to 28 U.S.C. § 1715(d), “[a]n order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates” on which such officials are served with the CAFA notice.

8. The required CAFA notices having been served, and the required CAFA notice period having elapsed, the CAFA prerequisites to the issuance of a final approval order have been met.

FURTHER AFFIANT SAYETH NOT

  
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Daniel E. Laytin, P.C.

Sworn to and ascribed before me,  
this 16th day of February, 2021



